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OFFICE OF PETITIONS

In re Application of :
William T. Bell :
Application No. 10/762,182 : DECISION ON PETITION
Filed: 21 January, 2004 :
Attorney Docket No. Titan 002.1C :

This is a decision on the petition filed on 29 September, 2004, styled under 37 CFR 1.182, which is treated as a petition under 37 CFR 1.53 requesting that the above-identified application, including two (2) sheets of drawings, be accorded a filing date of 21 January, 2004.

The petition is granted.

On 21 January, 2004, the application was filed.

On 4 August, 2004, Initial Patent Examination Division mailed a Notice of Incomplete Nonprovisional Application, stating that the application had been deposited without drawings, and that application should reconsider whether drawings were necessary under 35 U.S.C. § 113 (first sentence). The Notice stated that the filing date would be the date of receipt of the missing drawings.

In response, on 29 September, 2004, the present petition and a copy of two (2) sheets of drawings, were filed. Petitioner argues that two (2) drawing sheets was filed with the other application papers on 21 January, 2004, but were subsequently misplaced in the U.S. Patent and Trademark Office (Office). In support, a copy of petitioner's postcard receipt was supplied with the present petition. The postcard receipt shows an Office date stamp of 21 January, 2004, with the above-identified application number, and identifies the application by the express mail number contained on the transmittal letter and the attorney's name, and acknowledges receipt of, *inter alia*,

drawings - 2 Sheets. Petitioners request that the application, including the two (2) sheets of drawings, be accorded a filing date of 21 January, 2004.

A review of the record reveals that no sheets of drawings received on 21 January, 2004, are located among the application papers received on that date. However, the evidence is convincing that the application papers deposited on 21 January, 2004, included two (2) sheets of drawings, which were subsequently misplaced in the Office. Therefore, the application, including two (2) sheets of drawings, is entitled to a filing date of 21 January, 2004.

In view of the above, the petition is granted. As the present petition was necessitated by Office error, the petition fee is unnecessary. Petitioner may request a refund thereof by writing to the Office of Finance, ATTN: Refund Section. A copy of this decision should accompany petitioner's request. Alternatively, petitioner may request that this amount be applied to any other fee due in this application.

The application will be processed with the copy of the two (2) sheets of drawings supplied on 29 September, 2004, as a part of the original disclosure.

The application is being referred to Initial Patent Examination Division for further processing with a filing date of 21 January, 2004, using the application papers filed on that date, and the copy of two (2) sheets of drawings supplied with the present petition, and for an indication in Office records that two (2) sheets of drawings were present on filing.

Telephone inquiries should be directed to the undersigned at 571-272-3231.



Douglas I. Wood
Senior Petitions Attorney
Office of Petitions